IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Crl.Rev.Pet.No. 451 of 2007(E)

CRA.136/2004 of SESSIONS COURT, THODUPUZHA
CC.673/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, ADIMALI

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REVN. PETITIONER:

P.L.RAJESH
S/O LAKSHMANAN
PARACKAL HOUSE
KUNCHITHANNI P.O

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

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1. BABU S/O NARAYANAN
KAROTTUVATTAKKATTIL HOUSE
KUNCHITHANNI P.O

2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY ADV. SRI.K.K.DHEERENDRAKRISHNAN
PUBLIC PROSECUTOR SMT.LATHA.T.THANKAPPAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/02/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR.J

Crl.R.P No.451 OF 2007

Dated this the 1st day of February 2007

ORDER

Heard. Admitted. Advocate Sri.K.K Dheerendra Krishnan takes notice for the first respondent. Public Prosecutor takes notice for the second respondent. Crl.Revision Petition itself is heard and disposed of as agreed to by both sides.

2. It is submitted by counsel on both sides that parties have settled the dispute out of court. They have filed Crl.M.A.No.1316/2007 seeking permission to compound the offence. Today I have allowed the application to compound the offence. So Crl.Revision Petition is only to be allowed.

In the result, Crl.Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of Negotiable Act are hereby set aside and he is acquitted under Section 320 (8) of Cr.P.C

K.PADMANABHAN NAIR.JUDGE

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K.PADMANABHAN NAIR.J

Crl.M.A.No.1316/2007 in Crl.R.P No.451 OF 2007

Dated this the 1st day of February 2007

ORDER

The revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act convicted and sentenced to undergo simple imprisonment for three months and to pay an amount of Rs.25,000/- as compensation. In case of default of payment of compensatioon he was ordered to undergo simple imprisonment for one more month An appeal was filed by the revision petitioner. The appellate court confirmed the conviction and modified the sentence. Challenging those judgments this Crl.R.P. is filed.

This is an application filed by the complainant under Section 147 of Negotiable Instruments Act read with Section 320 of Criminal Procedure Code seeking permission to compound the offence. It is submitted by counsel on both sides that parties have settled the dispute out of court. The complainant himself has filed this application seeking permission to compound the offence . Since he had received the amount due to him ,it is only just and proper, that permission sought for is granted.

In the result Crl.M.A is allowed. Permission sought for is granted and the the offence is compounded.

K.PADMANABHAN NAIR.JUDGE

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